

HOUSE OF ASSEMBLY

Thursday, December 5, 1968

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Aboriginal Affairs Act Amendment,
Cattle Compensation Act Amendment,
Licensing Act Amendment (No. 2),
Oaths Act Amendment,
Prices Act Amendment,
Stamp Duties Act Amendment (No. 2).

QUESTIONS

TOURIST INDUSTRY

Mr. CORCORAN: An article in today's *Advertiser* headed "Sounding Out the Tourists" states in part that Mr. N. Fletcher, of the Commonwealth Bureau of Census and Statistics, will conduct a thorough survey of Queensland's tourist industry to find out what the paying public wants. The report will be made to the Queensland Government, as it is financing the report through the University of Queensland. Will the Minister of Immigration and Tourism examine the article and see whether the Government in this State is interested in a similar project? Also, can he give me a report on any progress made towards appointing a research officer to the Tourist Bureau?

The Hon. D. N. BROOKMAN: The filling of vacant offices in the Tourist Bureau is being considered at present, and I will get an up-to-date report regarding the appointment of a research officer. I do not know whether any progress has been made, but we have been looking for a suitable officer for some time, and we are anxious to fill several other vacant offices. I, too, read the report in the *Advertiser* this morning but have not yet had an opportunity to discuss it with the Director of the Tourist Bureau. This morning I asked the Director to see me as soon as was convenient, because the report was of much interest and I wanted to find out as much about it as possible, including whether what was being done had application here. When I have a further report I will inform the honourable member.

REFLECTORIZED NUMBER PLATES

Mr. NANKIVELL: Has the Attorney-General a reply to the question I asked yesterday about whether the Government was considering the use of reflectorized number plates in order to reduce the incidence of road accidents?

The Hon. ROBIN MILLHOUSE: I think it was on Tuesday that the honourable member asked me the question, and yesterday a similar question was asked by the member for Unley. The reply that I have from the Minister of Roads and Transport does not carry the matter much further than I was able to explain yesterday, but it is as follows:

The introduction of reflectorized number plates for motor vehicles in this State is under consideration, but no decision has yet been made.

BOOKMAKERS

Mr. VIRGO: Yesterday I drew the Premier's attention to the present dispute between the racing clubs and bookmakers, and he was good enough to indicate that he would, as a matter of urgency, discuss the matter with Cabinet this morning and bring down a report today. Will he now give that report?

The Hon. R. S. HALL: Cabinet discussed the matter at some length this morning, and subsequently I have been trying urgently since 12 o'clock to contact the parties concerned in the dispute. However, I have been able to contact only one person and further action must await my contacting the other parties.

Mr. HUDSON: The Premier said that he was trying to contact certain of the parties, but that he had not been able to contact all of them, regarding the dispute over fees to be charged to bookmakers. He did not say, however, whether or not Cabinet had this morning decided to enforce arbitration on this matter. Will the Premier say what parties he has tried to bring together, and whether Cabinet this morning decided to enforce arbitration on this issue?

The Hon. R. S. HALL: I am not sure what the honourable member means when he says "to enforce arbitration". However, I rest on my previous answer and, after I have contacted the interested parties, I shall be better able to give a more complete answer than I am now.

Mr. HUDSON: We are used to the Premier's ducking for cover when bowled a bouncer, instead of taking the bull by the horns and trying to hit the ball for four. However, I am always willing to try again. Will the Premier say whether, as a result of the Cabinet meeting this morning, it has been

decided to get the parties to the racing dispute together for a cup of tea, a glass of sherry, a game of golf, or a tour of Parliament House, or in order to obtain a solution of the dispute that has led to the suspension of bookmakers from operating at the Victoria Park races this Saturday?

The Hon. R. S. HALL: It is a rather facetiously insulting question.

Mr. Hudson: I'm never facetious when I'm insulting.

The SPEAKER: Order! The honourable member cannot ask two questions at once.

The Hon. R. S. HALL: I should have thought the honourable member would be far more interested in solving the problem than in bowling political bouncers at members on this side. As far as I am concerned, there are no politics involved in the matter, and I will not react as he would like to his attempt to introduce politics into it. I am trying to solve the problem and, as I have already said, I shall be able to give a much more detailed and informative reply after I have spoken to the parties.

WOOMERA ROAD

Mr. EDWARDS: Recently a deputation of young people told me that at times the road from Port Augusta to Woomera was in very bad condition, and they suggested that work on this road should be finished, in preference to work on local roads and on the railway line to Adelaide. Will the Attorney-General take up this complaint with the Minister of Roads and Transport?

The Hon. ROBIN MILLHOUSE: If my memory is correct, I was present when the group spoke to the honourable member at the Liberal and Country League caravan at the Royal Show. Certainly, the group spoke to me there about the matter. As honourable members will remember, the Liberal and Country League provided this service for those who attended the show. I will certainly remind my colleague about the matter.

FISHING BAG LIMIT'S

Mr. McKEE: Consequent upon the recent decision of the Fisheries and Fauna Conservation Department to lift the bag limit on under-size fish taken from the Port Pirie River, the President of the Anglers' Club and several fishermen who have only small boats have told me that they are unable to go out into the open sea with these craft. If they are unable to use these craft to fish in the river area the boats will become useless, because there is nowhere else that they can be used.

The President of the Anglers' Club explained that if the decision was not reversed there would be a serious effect on the membership of the club, which has been established in Port Pirie for many years and which, at present, has a large membership. However, because of this departmental decision the club's activities have been restricted, and I have been asked to ascertain from the Minister whether this decision cannot be reversed. Will the Minister of Lands obtain that information from the Minister of Agriculture?

The Hon. D. N. BROOKMAN: I will ask my colleague for a report, and possibly this request will result in some discussions between the honourable member and the Minister.

GREENHILL ROAD

Mr. GILES: Has the Attorney-General a reply from the Minister of Roads and Transport to my recent question about erecting a safety fence on a dangerous section of Greenhill Road?

The Hon. ROBIN MILLHOUSE: A contract for the erection of this safety fence has been let to Ashton Construction Company Limited. Under the terms of the contract, work must be completed by March 3, 1969.

ELIZABETH INDUSTRY

Mr. CLARK: I was pleased on Tuesday of this week when the Premier, replying to a question by the member for Albert, gave details of the proposed expansion of Texas Instruments (Aust.) Limited. There have been rumours about this for some time. Also, in reply to a further question I asked concerning my fear that Austral Bronze Crane Copper Proprietary Limited would be putting off men at the factory taken over from Texas Instruments, the Premier said that he had interviewed a principal of the Crane company, and also said:

I have been assured that the change of ownership will mean no reduction in output or employment.

Immediately following this reassuring reply, I now find that 13, and possibly 14, employees at this factory have been given a week's notice with the option to work over Christmas before their employment is terminated. Naturally, they are most upset in view of the reply I received, and it is obvious that either the Premier or I, or both of us, are having the wool pulled over our eyes. In the interests of my constituents, I object strongly to this being done to me. Will the Premier make a further check to see whether it is still possible to save my constituents from unemployment?

The Hon. R. S. HALL: I regret that the honourable member's constituents are having this difficulty, but I do not know whether some other factor has intruded into the situation since my interview with the principal of the firm. However, through the Industrial Development Branch I will find out for the honourable member, and inform him as soon as possible.

DERAILMENTS

Mr. BROOMHILL: With relation to the committee of inquiry established by the Premier to consider aspects of rail derailments, I noticed that in another place yesterday the Minister of Roads and Transport, when replying to a question about whether the report of that committee would be made available to him, said:

It is then my first duty to take the report to Cabinet where it will be considered by the Government and as a result of consideration of that report, the Government will make a statement that will be read in this Council.

In view of the extreme importance of this question and the fact that a committee has been established, I should have thought that the report would be made available to members. Can the Premier say whether this report will be made available to this House?

The Hon. R. S. HALL: The honourable Minister is right when he says he must first of all take the report to Cabinet. Whether or not he has some reason for not having the report made entirely public, I do not know at this stage: perhaps it may be deemed unwise to publish evidence given by certain people, or, for all I know, perhaps some people will not give evidence if they know their remarks will be published. These may be the thoughts in the Minister's mind, but I will consult with him on the matter. I assure the honourable member that the Government does not intend to withhold information if it is not in the public interest to do so.

Mr. Broomhill: Will the report be made available?

The Hon. R. S. HALL: I cannot guarantee that, but I will do my best to see that it is made available, as long as the public interest is maintained.

CAR REPAIRS

Mr. LAWN: First, I thank the Attorney-General for the recent reply he gave to a question I previously asked. My question concerns a motor vehicle accident in respect of which the person concerned has been advised by a firm of solicitors and by the Royal Automobile Association to contact me. The accident happened on June 29 and the person concerned, having reported the acci-

dent, was informed that, following an assessor's quote, the car would be repaired. However, a month later the gentleman was informed that his insurance company had not contacted the repair shop; he again contacted the insurance company, and was assured that the car would be repaired. Again, nothing happened, and on Wednesday, November 20, the gentleman received a letter, dated November 18, stating that the car was now going to be repaired and that it would take 10 days. As, since then, this person has been told that the repairs had not been authorized by the insurance company (Motor Marine and General Insurance Company Limited), will the Attorney-General, if I give him a copy of the letter in my possession, have the matter investigated?

The Hon. ROBIN MILLHOUSE: I shall be happy to do that. Of course, the honourable member will realize that there is nothing which I think at law I can do, but I will certainly have the matter investigated and if any appropriate action can be taken I shall take it.

RECREATION CENTRES

Mrs. BYRNE: Has the Minister of Education a reply to the question I asked on December 3 about recreation centres?

The Hon. JOYCE STEELE: The Education Department intends to conduct recreation centres at 14 metropolitan primary schools, which have swimming pools, after the completion of the Education Department's learn-to-swim campaign in January, 1969. This will be the fifth year these centres have been provided. They will be at Ascot Park, Belair, Black Forest, Blair Athol, Burnside, Campbelltown, Colonel Light Gardens, Hectorville, Linden Park, Mitchell Park, Netley, Northfield, Plympton and Woodville. The centres will be open for two sessions each week morning from Monday, January 20, to Friday, January 31, inclusive, with the exception of the public holiday on January 27. The sessions will be from 9 a.m. to 10.30 a.m. and from 11 a.m. to 12.30 p.m. Enrolment will be limited to 120 students a session at each centre in the age range from seven to 13 years. Enrolment will be by application in writing from a child's parent or guardian. Application forms will be distributed to schools early in December.

The number of centres has grown from five in 1965, with an enrolment of 1,206, to 13 in

1968, with an enrolment of 2,776. The programme provided at the centres varies considerably, but in general it covers swimming, water games and water confidence activities; games coaching, games, gymnastics, athletics, dancing, and quiet recreation such as music, art, mime and films. It is considered that this provision of direction and supervision of a varied programme of recreation is a worthwhile service to the public.

Mrs. BYRNE: The Minister said that the programme provided at the centres varied considerably but in general covered "swimming, water games and water confidence activities; games coaching, games, gymnastics, athletics, dancing; and quiet recreation such as music, art, mime and films". On examining the reply, it can be seen that, apart from activities which can take place only where primary schools have swimming pools, a variety of games, gymnastics, athletics, dancing, music, art, mime and films could be conducted at centres elsewhere. Will the Minister of Education say whether consideration was given to extending these centres to include primary schools where there are no swimming pools and where worthwhile activities, other than those connected with a pool, could be conducted? I am particularly interested in these activities being extended, if possible, to one of the primary schools in the outer-suburban section of my district, as the nearest school at which a centre is to be set up is at Northfield. Will the Minister say also whether applications are open only to children enrolled at the school at which the recreation centre is to be conducted?

The Hon. JOYCE STEELE: I well understand the honourable member's personal interest in the places at which these recreation centres are to be established. I will most certainly take up the worthwhile suggestion she has made and refer it to my departmental officers for a report.

MEAT INSPECTION FEES

Mr. WARDLE: Since March or April, 1968, country meat works have been paying an inspection fee of $\frac{1}{2}$ c a pound on meat coming into the metropolitan area. Will the Minister of Lands, representing the Minister of Agriculture, ascertain what has been the cost of inspecting meat brought from country meat works into the metropolitan area and how much has been received as a result of the collection of these service fees?

The Hon. D. N. BROOKMAN: I will obtain a report from my colleague.

FARM IMPLEMENTS

Mr. CASEY: Has the Premier a reply to my question of November 12 regarding the classification of wheat bins and welding units as farm implements under the Road Traffic Act?

The Hon. R. S. HALL: The Minister of Roads and Transport states that a bulk grain field bin under existing legislation cannot be classified as a "farm implement" for the purposes set out in section 12 (5) of the Motor Vehicles Act. Therefore, it must be registered or covered by a permit when used on a road. Because a field bin does not come within the general definition of "field implement", it would have to be included specially if it were to be exempt from registration. This was the case when it was decided to exempt trailer bins and grain elevators. Cabinet has given this matter careful consideration and has directed that a Bill be introduced in the near future to amend the Motor Vehicles Act to exempt bulk grain bins from registration. It has been decided not to extend the exemption to other trailer units, including welding equipment, at this stage.

Mr. NANKIVELL: I noticed that, in his reply to the member for Frome, the Premier said that Cabinet had considered the matter of field bins and that, although they were not listed as exempt vehicles, it was intended to introduce amendments to the Motor Vehicles Act in order to cover this classification of vehicle. As Cabinet is prepared to have an amendment made to the Act to include this vehicle, will the Attorney-General (in the temporary absence of the Premier) ask Cabinet to direct that the vehicle be exempted from the provisions of the Act during this harvest, for it is unlikely that the amendment will be passed before the present harvest is completed?

The Hon. ROBIN MILLHOUSE: I will discuss the matter.

SECONDHAND DEALERS

Mr. VIRGO: On September 18, I referred to the Attorney-General correspondence I had received, as had he, from the Corporation of the City of Marion, regarding the alleged anomaly that exists in the setting up of a secondhand dealer's business. On November 20, I again referred this matter to the Attorney-General, who said:

I am still investigating the matter in an endeavour to give the honourable member the reply I promised him, but I will follow it up now as a matter of urgency.

What time should I expect the Attorney-General to take over a matter of urgency, and when may I expect a reply?

The Hon. ROBIN MILLHOUSE: I must apologize for not having been able to give the information. In fact, I have a minute about this in my bag. I have had it since last week and I have just not had an opportunity to read it properly, to consider it, and to formulate a reply. I hope to be able to give a reply on Tuesday, if I get a chance to look at it over the weekend.

GERARD RESERVE

The Hon. R. R. LOVEDAY: I understand that the development of the Gerard Reserve is being retarded because a much larger irrigation pump, which it has been proposed to install for some years, has not yet been installed on the property. Will the Minister of Aboriginal Affairs see whether the pump can be installed so that the reserve can be further developed?

The Hon. ROBIN MILLHOUSE: I will have inquiries made.

ROADS PROGRAMME

Mr. RICHES: The following article appeared in the *Advertiser* about two months ago:

Mr. Hill said the State Government had asked for money to seal the roadway between Port Augusta and Wirrappa, but this had been rejected. The Highways Department was seeking more staff to plan more roadmaking in the Far North, but this could not be carried out without more Commonwealth funds.

"We were hoping to have the Port Augusta-Wirrappa roadway completely sealed, and similarly we were hoping to get a reasonable portion of the \$5.6m. required to seal the Birdsville track from Marree," Mr. Hill said. "Instead, the Commonwealth offered \$1m. and we accepted. We can do nothing more than maintain the present position until the Commonwealth gives us more financial aid."

Will the Attorney-General ask the Minister of Roads and Transport to say what the Government now intends to do? Does it intend to let the matter rest as it is now, or will it make fresh approaches to the Commonwealth Government for money to do this work, which has been long outstanding?

The Hon. ROBIN MILLHOUSE: I should be surprised if Mr. Hill intended to let the matter rest: that is not in his nature. I will take it up with him to see what is the position.

AIRCRAFT WORKS

Mr. CLARK: The Premier will know that I have been most concerned over the proposed closing of the aircraft works at Parafield. My concern was aggravated when I received only

today a letter signed by the shop stewards of five unions, which is headed "employees' views re the proposed closing down of the airframe repair workshops, Parafield Aerodrome", and which states:

The undersigned union representatives on behalf of the employees at airframe repair workshops, wish to submit the following points: With the proposed closing down of airframe repair workshops at Parafield every effort should be made by the present Commonwealth Government to ensure that this is not necessary; this could be avoided if a suitable paved landing strip was constructed at Parafield Aerodrome to enable jet aircraft to be serviced. If there is no alternative to the closing of airframe repair workshops in June, 1969, then every consideration possible should be given to the re-employment of personnel in other Commonwealth departments to ensure that their long service leave and sick leave benefits are not lost. Many men classed as temporary employees have up to 25 years' service with specialized skills and have large sick leave benefits which would be lost in the event of retrenchment.

The men are prepared to help themselves if there is no possible chance of retaining the workshops and it would be appreciated if vacancies as listed by the Commonwealth Employment Bureau were made available and placed on the notice boards. A problem which is foreseen is that the majority of the employees are over 40 years of age and private industry is very loath to employ men of this age group. It is considered that this trouble could have been avoided if past Governments had shown sufficient foresight regarding the aircraft industry, but the employees bear no prejudice provided an assurance is given that the Commonwealth Government is doing everything in its power to enable this establishment to carry on the excellent record of aircraft overhaul achieved in the past.

Will the Premier be good enough to refer the contents of this letter to the Commonwealth Minister for Supply?

The Hon. R. S. HALL: I shall be pleased to do that. As the honourable member knows from previous replies I have given him in the House, the Government is most concerned about this closure. I know of one person employed at the works who has been offered alternative employment in Canberra and, as he is unmarried, I believe he will take that employment. However, in the case of skilled tradesmen with families who are established in this State, this is a matter of some moment, as the honourable member points out. I will bring the matter to the notice of the Commonwealth Minister, adding it to the rather large amount of paper work that makes up my present representations to him.

SOUTH-WESTERN SUBURBS DRAINAGE

Mr. BROOMHILL: An article in a local newspaper in my district includes an announcement made by the Minister of Roads and Transport that stage 2 of the south-western suburbs drainage scheme is now being referred to the Public Works Standing Committee. The article states:

Mr. Hill said the cost for the stage 2 work was estimated at \$1,250,000 and another \$1,000,000 will be spent on improvements to the Patawalonga Basin in order to reduce the risk of flooding of areas in the immediate vicinity.

Many residents, and in particular the West Torrens council, are most perturbed about the possibility of the flooding of houses, which are located near the Patawalonga Basin, as a result of the drainage scheme in the area. Will the Attorney-General ask the Minister of Roads and Transport for a report on how it is intended to spend this \$1,000,000 in an effort to solve this flooding problem?

The Hon. ROBIN MILLHOUSE: I will see whether the information is available.

SUCCESSION DUTIES

Mr. RODDA: As is recorded in *Hansard* of October 18, 1966, at page 2359, I have previously spoken of a scheme proposed by Mr. E. L. Gaffney (Chairman of the South-Eastern Dairymen's Association) regarding succession duties. These duties are always a matter of concern, and the Gaffney scheme has been canvassed at recent meetings of primary-producer organizations in the South-East. Stated briefly, the scheme involves levying a unit charge annually, on a pay-as-you-go basis, in respect of the value of a property or business and tangible assets that will ultimately attract succession duty. Under this scheme, the Treasurer would have his annual flow of money to the Revenue Account and the widow or the beneficiaries would not have the worry of raising large sums when the inevitable occurred. Further, many people who were not insurable risks would be able to overcome this problem, in terms of the scheme. Will the Treasurer consider Mr. Gaffney's proposal?

The Hon. G. G. PEARSON: The proposals are not new: they have been discussed from time to time. The principle is, as the honourable member has explained, that a tax-free provision be made during the lifetime of the testator so that, when he dies, a sum would be available in a credit account or in

the form of Commonwealth bonds, or something like that, to meet the duties payable to the Commonwealth Government or the State Government. This scheme has application more in the Commonwealth field than in the State field, although it does apply to some extent in the State, where for succession duty purposes the immediate members of the testator's family have an insurable interest in the testator and can, by putting aside an equal sum, insure against these duties. There are difficulties about the scheme and I do not want to go into the matter at any further length now. I have already discussed it with the Under Treasurer, but I will discuss it with him again and let the honourable member have a reply, if possible next week.

ROWLAND FLAT SCHOOL

Mrs. BYRNE: The Minister of Education will be aware that I have previously asked questions about the Rowland Flat Primary School property. The Agricultural Bureau, acting on behalf of the local community, asked that the property be made available to the community, and a local firm was also interested in obtaining the property. It was agreed that a public meeting be held to discuss the matter, and this meeting has been held. Has the Minister anything further to report regarding the property?

The Hon. JOYCE STEELE: The honourable member has asked several questions about the matter and on April 16 last, the day after I assumed office as Minister, I approved of the disposal of the closed Rowland Flat Primary School, which was no longer required for departmental purposes. Following that, a report was obtained from the District Building Officer, Public Buildings Department, on improvements to the site and their estimated total value. As the honourable member has said, interest in this property has been expressed by representatives of the local community and by G. Gramp & Sons Proprietary Limited (whose property adjoins the school). I think I told the honourable member on October 24 last that, if it was decided to dispose of the property to any private organization or person, tenders would be called by the Lands Department in the usual way. I have received no further communication from the persons or firm interested in the property and I have now recommended that the Director of Lands proceed to take the normal steps necessary for the disposal of this property.

BREAD PRICES

Mr. EDWARDS: I consider the 2c increase in the price of bread, as announced in today's newspaper, to be unjust and not justified when we examine the relevant figures. The home consumption price of wheat for 1968 is \$1.71, an increase of 5½c a bushel on last year's price of \$1.65½. The grower receives for his wheat \$1.10 a bushel, less freight, and the freight paid by the farmer in respect of his crop is considerable. As I understand that a baker can make 200 2 lb. loaves of bread from a 150 lb. bag of flour, the increase of 2c a loaf of bread represents an increase of \$4 for each bag of flour used.

The SPEAKER: Order! The honourable member is expressing opinions. He knows he cannot debate a question.

Mr. EDWARDS: I am sorry, Mr. Speaker. I thought I was just stressing the point.

The SPEAKER: The honourable member cannot debate the matter or express an opinion. He must ask a question.

Mr. EDWARDS: Overall, the grower receives an increase of only about 16½c on a bag of wheat. Will the Minister in charge of prices say whether he considers the increase of 2c a loaf in the price of bread to be justified at this time?

The Hon. G. G. PEARSON: The short reply is that the increase is justified and that it is inescapable. I point out that many factors apart from the price of wheat or flour are involved in the price of bread. If the honourable member read the press release issued by the Prices Commissioner, he would see that award wage increases (I think there were three) have occurred since the price of bread was last examined or fixed. These constitute the major factors in the increase that the Commissioner has now authorized. The honourable member is correct when he said that the price of wheat had increased by 5½c a bushel, and I cannot dispute his calculation as to how many loaves of bread a baker can make from a 150 lb. bag of flour. The Prices Commissioner knows his business, and I assure the honourable member that several consultations were held with respect to this matter before I was convinced that the proposed increases were justified. I am satisfied that they are. The increased prices for wheat have operated from December 1 and millers are being charged the increased price now, and have been for several days. All stocks that are held by millers are subject to the price increase as from December 1, so that I am satisfied that the increased

price is inescapable. Another factor that has been overlooked by the honourable member is the price of offal. Before the order was made last year there was a demand for offal, because of drought circumstances that do not exist at present. The overall recoupment to the miller contains not only what he gets for flour but also what he can get for bran and pollard, but as the demand for these products has fallen it is necessary now to reduce the price of offal in order to make sales. This factor has also reacted against the price of flour. I assure the honourable member that this matter was closely scrutinized over a period of a full week since it first came to my notice and, much as I desired to keep the price of bread at the lowest possible level, I was convinced (and Cabinet was convinced) that there was no alternative but to agree to the Prices Commissioner's recommendation.

Mr. HUDSON: I direct my question to the Premier rather than to the Minister in charge of the Prices Branch because, although the question refers to the price of bread, it involves Government policy. As the increase of 2c in the price of a loaf of bread is absolutely astounding and could hardly be less than the increase that would have applied if the Government were going to allow an open slather, will the Premier say whether the Government has decided to alter its policy any further and remove all items, particularly bread, from price control?

The Hon. R. S. HALL: The Government has made no further decision about price control.

UNROADWORTHY VEHICLES

Mr. CORCORAN: I have been reading the annual report of the Juvenile Court submitted by Mr. McLean Wright, and under the heading "Motor Car Offences", when suggesting remedies in relation to the practices that occur particularly with juveniles and motor car sales, he states:

I think the business of passing off unroadworthy vehicles on to juveniles could be stopped by requiring that every secondhand vehicle sold or otherwise disposed of to a juvenile should have a current roadworthiness certificate.

He also suggests that this action might require the introduction of legislation, but I consider that any secondhand motor car that is sold, irrespective of who the buyer is, should come into this category. As the magistrate's suggestion seems to be a sound idea, can the Premier say whether the Government has considered this type of legislation and, if it has not, whether it will do so?

The Hon. R. S. HALL: We shall be pleased to consider the honourable member's suggestion, emanating from the report of the magistrate. However, I remind him that this is not a minor matter: it is of major concern to the motor vehicle trade and is a matter in which I have been personally involved in the past. I initiated the Bill in this House to prevent the sale of motor cars with re-grooved tyres, which is one facet of road safety. This matter concerns the Government and every member of the House, because we will have to take sterner measures in future to ensure that the conditions of travel on our roads become safer than they are at present. I will discuss this suggestion with my colleague.

PORT AUGUSTA ROADWORKS

Mr. RICHES: Has the Attorney-General obtained from the Minister of Roads and Transport the report I requested concerning the construction of the Port Augusta bridge and associated roadworks in the municipality, in particular dealing with the rumour that this work had been held up because of lack of staff?

The Hon. ROBIN MILLHOUSE: I have obtained a report that does not deal specifically with that point but perhaps the general reply covers it. Preconstructional activities for the Port Augusta bridge and approach roadworks have not fallen behind significantly, and it is expected that construction will commence about the middle of 1970.

KADINA HIGH SCHOOL

Mr. HUGHES: Two weeks ago yesterday the Minister of Education promised to obtain for me a report about those responsible for the building of change and shower rooms at previously constructed schools. I have more than a fleeting interest in this matter, because I am Chairman of the Kadina Memorial High School Council. In view of the Premier's statement that the House will rise next week, will the Minister try to obtain a report before then?

The Hon. JOYCE STEELE: Yes.

SERVICE STATIONS

Mr. VIRGO: From time to time in the "Situations Vacant" columns of the newspapers we see rather inviting types of advertisement from the various oil companies offering the opportunity for people to become independent businessmen with lucrative returns. In fact, the advertisement I am looking at now concludes by stating, "Contact this particular oil company so that you, too, can

become a successful dealer." I understand that this tone applies to them all.

Mr. Clark: Does it give the hours of work?

Mr. VIRGO: My point is that all of these people are required to work 72 hours a week. They are being offered lucrative inducements to take over these stations, in many instances with rather heavy commitments, by way of loan, to the oil companies, although the inducements of these large returns are, in the main, completely fictitious, because the information from the book entries and the other details obviously have no substance. The net result is that the return to the people who get sucked in is, in many cases, far less than the award wage. When the companies are challenged on their claims of the returns, they attempt to get out of it by saying that the lessee has allowed the turnover to diminish and that he has proved that he does not have the ability to run a business. This covers up for the untruths that the oil companies have foisted on the prospective station operators. Is the Minister of Labour and Industry aware that oil companies are luring people into service stations with promises of lucrative returns that rarely eventuate? Also, is there any action that he or the Government can take to prevent oil companies from requiring service station lessees to work 72 hours or more a week for a financial return which, in many cases, is less than the State living wage and far less than the appropriate award rate?

The Hon. J. W. H. COUNBE: I regularly look at the column to which the member has referred and have noted in recent months a greater increase in the number of vacancies offering than the number of men available to fill them. Regarding the item to which the honourable member has referred, I am not sure what action can be taken or what action he expects that I can take. However, on his behalf I shall be happy to have a look at the matter. But I point out to the honourable member that many men and women in this community are anxious to improve themselves and are seeking many of these positions. However, in reply to the honourable member's request, I will investigate the matter for him.

WINNING BETS TAX

Mr. HUDSON: Has the Premier a reply to the question I asked yesterday about the Government's receipts for the four months to the end of October on account of the winning bets tax?

The Hon. R. S. HALL: The actual receipts by the Treasury in respect of the winning bets tax for the four months to the end of October, 1968, were \$224,163. The reimbursement to the clubs for half their former share of this tax for the four months was \$42,406 but, in accordance with the relevant Statute, this was met out of the Totalizator Agency Board revenues payable into the Hospitals Fund. The latter revenues, after deducting the reimbursement, were \$296,811 as reported on December 4 in answer to an earlier question. It is pointed out that, whereas the revenue to the Treasury from the winning bets tax was \$1,007,000 for the 12 months before commencement of T.A.B., the figures for the four months to October, 1968, are on a significantly lower level because of the removal of the tax from stake money early this year, because of some recent fall in betting turnover, and because the four months in question is normally a relatively light period so far as betting turnover is concerned.

FESTIVAL HALL

Mr. CORCORAN: A report in today's *Advertiser*, headed "Problems on Hall Plans", evidently relates to an address given at a luncheon yesterday by Mr. Henry Krips, and states, in part:

An all-purpose arts hall had two main disadvantages which many people tended to forget, South Australian conductor Mr. Henry Krips said at the weekly Adelaide Rotary Club luncheon yesterday. "One has to take into account the financial aspect and the difference of equipment needed for concerts, ballet, opera and plays", Mr. Krips said. It was simple to present a concert, which needed only a decent stage and good surroundings, but for the other facets of art a large stage was needed with complicated and costly equipment, he said. He named as one problem an organ, which was necessary for an oratorio, but for an opera or ballet was redundant and required covering up.

In view of the wide experience that Mr. Krips has had in this field (he not only has visited many centres throughout the world but has also conducted in some of the great concert halls), would the Premier care to comment on what Mr. Krips says about the proposed festival hall, or will he examine what has been said and bring down a report on what he considers to be the advantages and disadvantages of the proposal?

The Hon. R. S. HALL: Although I have not had time today to read all of that report, I think I agree with the matter the honourable member raises. It is most difficult to choose

just what sort of hall to establish. First, we have the problem of how much finance the State can provide for the project. If finance were unlimited, we would have no problem but, of course, it is limited, and this was one of the major points referred to by Mr. DeGaetani in his report, when he based the plans he put forward on Commonwealth finance or, as an alternative, on "energetic positivism" or something similar in regard to raising money. Of course, the Commonwealth Government has failed us in this respect, and we are now back to "energetic positivism", which does not produce money in this House, on the Estimates, or from the public. Therefore, we are really back to the problem of how much money we can devote to the project. The Government has put forward a proposal for financial support, and the council has agreed to a proposal that will provide in total \$4,000,000—a sizeable sum.

The Government intends to be involved in the financial support of the project, and the committee now investigating the site is initially determining its cost. When the committee reports, we can all perhaps put on our thinking caps (the Government and the City Council certainly will) about what may be built from the resources available. We shall then have to consider carefully the matter raised by the honourable member today. I assure him that we want to have as much use made of this hall by as wide a section of the public as is possible. It is unthinkable to me that we should build this hall for a small section of the community. Having said that, I will pursue the matter the honourable member has raised. Whoever the experts are who will guide the Government and the council in their thinking on this matter, they will closely consider every aspect, including matters which have already been considered by the council, and about which I have read in the reports submitted to it.

HIGHWAYS DEPARTMENT

Mr. HUDSON: Yesterday, submissions from the Australian Federation of Civil Engineering Contractors were made by way of deputation to the Premier and to the Leader of the Opposition. Part of these submissions states:

If contracts were to be let to contractors on the basis suggested—over a period of years and in increasing proportions—Highways Department workers would be absorbed in the growth of the contracting industry. We see the future role of the Highways Department as

being one of increased administration, supervision and forward planning. The department would be also responsible for maintenance operations, emergency projects and projects which do not lend themselves, because of their nature, to construction by contract.

The implication in the submissions is that the Highways Department should play a smaller and smaller role in roadworks and confine its activities mainly to supervisory activities. In the House on November 26, the Premier said at page 2718 of *Hansard*, when referring to the Minister of Roads and Transport:

The Minister has said that it is Government policy to do as much work as is desirable by private contract and, as there will be much additional work to be carried out in road construction programmes in the next few years, he is plainly stating the Government's intention to see that some of this work is undertaken by private contract.

My impression of the Premier's answer to the contractors on that occasion was that he was contemplating the Highways Department continuing more or less in its present size and, perhaps, even extending, although private contractors would take up at least a substantial part of the additional roadworks that would be carried out over the next 20 years. As the implications of his answer to the question on November 26 are substantially different from what the contractors' federation has put forward (which involves a reduction in the Highways Department), will the Premier indicate whether or not he has replied to the federation saying that the Government will be providing more works for private contractors but that it will not be phasing out the work currently done by the Highways Department?

The Hon. R. S. HALL: I have not replied to the federation's letter, which I received only last Tuesday. I will be replying but I am not sure that any of us can lay down a set policy on private contractors that will go on in future years. The Government has clearly said that it intends to use private contracting firms on various Government works and that it will not dismantle Government enterprises simply to further that end, as seems to be suspected by the Opposition, for some ideological reason. The Government's endeavour is to get the most it can from the expenditure of public funds, and I am sure the public desires that. No-one can deny that the Government must spend the public funds entrusted to it as wisely as possible. I am sure that as time goes on both systems will work side by side: that is a healthy way to work. It will be a measure of comparison for both systems, as Government work proceeds along

side private work. That would not be denied by either Party. If the honourable member wants percentages, it is not up to me to quote anything that will tie me to something I may say without giving thought to important matters of policy in this regard. The Government must look properly at the efficiency both of private contractors and of Government departments.

BERRI HOUSING

Mr. ARNOLD: I have received a letter from a pensioner constituent of mine living at Berri who has described his living conditions as terrible because of the wind and dust. He has made certain suggestions to the Housing Trust. If I make the letter available to the Minister of Housing, will he investigate this matter?

The Hon. G. G. PEARSON: I will take up this matter with the trust and see what it can do.

RAILWAY SERVICE

Mr. VIRGO: I have noticed in a publication called *Railways of Australia Network*, which I have just received, a report on the new carriages being built for the Commonwealth Railways, a subject on which I have strong views. The article states:

The new carriages now being delivered from the manufacturer for this trans-continental service will still further enhance the railways reputation for de luxe travel on the inter-capital circuit. The new trans-continental express will provide more than just a means of getting from one city to another.

The article then describes the carriages being built and refers to facilities, such as meals and bar services, which passengers naturally desire and which are given by other forms of competitive transport, namely, air and sea. I compare this service with the antiquated service provided by the South Australian and Victorian Railways in the joint effort of the Melbourne Express, on which service the passengers still have to get out of the car at Murray Bridge for breakfast on the trip to Adelaide at about 6 a.m. and at Ballarat at a similar time on the trip to Melbourne. I have never been able to obtain an answer why decent facilities are not provided, other than the old hackneyed answer that if a carriage were taken off to provide a cafeteria service it would mean that the train could carry fewer passengers. That argument is not valid, because the airlines do not run a spare

aircraft behind the one carrying passengers to provide these services: they use the modern galley service on the aircraft. I am not going to get very much sympathy from the Attorney-General, judging from his apparent attitude, but I persist and ask whether he will discuss with the Minister of Roads and Transport the possibility of providing decent facilities for the travelling public so that people will be induced to travel by rail instead of being repelled by the present antiquated service?

The Hon. ROBIN MILLHOUSE: I cannot accept the comparison between rail and air which the honourable member makes. Last session, or the session before, I raised the very same matter with the present Minister's predecessor, although I asked my questions in rather more courteous terms than the honourable member has used.

Mr. Virgo: That's probably why you didn't get an answer!

The Hon. ROBIN MILLHOUSE: I got precisely nowhere with the previous Minister. However, now that we have a Minister who is energetic and forward-looking I shall discuss the matter with him, with great confidence that something can perhaps be done.

Mr. HUDSON: My question is prompted by the reforming zeal that the Attorney-General, when replying to the member for Edwardstown, said he had, and also by my experience on the train to Mount Gambier. I did not realize that the train was called the Blue Lake Express when I travelled on it during the Millicent by-election campaign. The carriage in which I travelled was a sleeping compartment carriage and was probably about 80 or 90 years old. Certainly from the notices displayed it appeared to be as old as that, for they instructed passengers not to spit on the floor and made it clear that ladies were to sit in separate compartments and that male and female passengers were not allowed to occupy the lounge area together. I also noticed that the lighting was somewhat archaic, as it was almost impossible to read in the lounge compartment areas. In addition, one faced the problem (which is probably not noticed by the members for Mount Gambier and Millicent, who are hardened to these things) that, by 5 a.m. (and the member for Whyalla will agree with me on this, as he travelled with me)—

The SPEAKER: Order! I think the honourable member is debating the question.

Mr. HUDSON: No, I am giving information to the Attorney-General.

The SPEAKER: The honourable member is also debating the question. Will he please ask his question?

Mr. HUDSON: I have further information. By 5 a.m. one was almost frozen stiff. Will the Attorney-General take up the condition of this train with the Minister of Roads and Transport and try to have action taken that will result in the modernization of the equipment and the service on this line?

The Hon. ROBIN MILLHOUSE: I have travelled on the Blue Lake Express from time to time and I have not found the disadvantages of which the honourable member complains.

Mr. Hudson: Did you obey the instructions?

The SPEAKER: Order! The honourable member cannot ask more than one question at a time.

The Hon. ROBIN MILLHOUSE: Perhaps I am fitter than the honourable member and sleep more soundly. One wonders, when one hears questions such as this from the honourable member, why his own Government, during its three years in office, did absolutely nothing about the Blue Lake Express; yet now we are blamed or criticized for not doing anything about it since we have come back into office.

Mr. Virgo: What about the painting of the railway station?

The SPEAKER: Order! I think the Attorney-General is debating the answer.

The Hon. ROBIN MILLHOUSE: I am not doing that; I am just pointing out a few facts of life to the honourable member. However, in my usual courteous way I shall be happy to discuss the matter with my colleague.

Mr. FREEBAIRN: Will the Attorney-General discuss with the Minister of Roads and Transport the possibility of substituting for the Blue Lake Express a nice, modern, air-conditioned, comfortable road coach service with convertible seats of the type that passengers now enjoy on many interstate journeys?

Mr. Virgo: What are you trying to do—get rid of more railway workers?

Mr. FREEBAIRN: Yes, and sack them too, if necessary.

The Hon. ROBIN MILLHOUSE: I shall be happy to discuss that matter with the Minister.

HOLDEN HILL PRIMARY SCHOOL

Mrs. BYRNE: On November 7, the Public Works Committee reported on a proposal to erect a new primary school at Holden Hill. That report states:

The committee is satisfied that a new primary school at Holden Hill in the vicinity of Valiant Road is desirable to help meet the needs of the expanding school population, and it adopts the department's proposal—

and I want to bring the following part of the report to the Premier's notice—

but it stresses that the site is in the midst of an area where the soil has severe as well as variable seasonal movement. Some nearby schools have suffered serious structural damage on this account, even though they are of relatively light construction. The committee urges a thorough soil investigation by the Mines Department so that the architects will have sufficient data on which to design adequate foundations.

On November 25, Cabinet approved the expenditure of \$249,000 to allow the scheduled programme to proceed. I point out to the Premier that this school is to be erected near some Housing Trust houses at Holden Hill, which have developed faults and about which I have asked various questions of the Minister of Housing. Therefore, will the Premier ask the Minister of Mines whether this matter has been referred to the Mines Department and whether the investigation recommended by the Public Works Committee has taken place?

The Hon. R. S. HALL: I will find out the relevant details for the honourable member.

TAILEM BEND HOUSING

Mr. WARDLE: It is many years since Housing Trust houses were erected in the township of Tailem Bend, and several requests have recently been made to me for houses to be provided by the trust. Will the Minister of Housing ascertain whether a survey has been made in recent years about this matter and whether there is a demand for additional trust houses in this township?

The Hon. G. G. PEARSON: I will refer the matter to the General Manager of the trust. If the honourable member has any information he wishes to give me about firm applications from people desiring houses at Tailem Bend, this would assist me in my discussions.

APPRENTICES

Mr. VIRGO: I refer to the 99th Annual Report of the South Australian Chamber of Manufactures and in particular to the President's address, in which he states:

This year saw the introduction of full day-light training of apprentices in the first year of the furniture and building trades. There has been a significant decline, not only in the number of apprentices in these trades but generally, and it can be argued that this additional cost to employers is a contributing factor to this undesirable result. Further extensions into the second year apprenticeship and to other trades must reduce the number of young people being employed as apprentices and have a detrimental effect upon the availability of tradesmen in future years.

Can the Premier (in the temporary absence of the Minister of Labour and Industry) say whether there has been a reduction in the number of apprentices and, if there has been, what is the Government's view of the reason? Also, will he say whether the Government agrees with the contention of the President of the Chamber of Manufactures?

The Hon. R. S. HALL: I will get the necessary information for the honourable member.

ALDGATE RAILWAY YARDS

Mr. GILES: On November 26, a question was asked about a bagging plant to be installed at the Aldgate railway yards for the purpose of bagging gypsum for agricultural purposes. Many objections have been made by people in this area about the project, which it is said will be dust-free and odour-free even though it contains sulphur, and I have yet to see a bagging plant that does not have a dust problem. Because of the many objections from people in the district, will the Attorney-General ask the Minister of Roads and Transport to reconsider his decision to allow the establishment of this plant?

The Hon. ROBIN MILLHOUSE: My recollection is that I have replied to the honourable member about this matter and I do not know whether the Minister would have anything further to add. However, it would be helpful if the honourable member let the Government or the Minister know the source of the complaints. If he does that, I shall be pleased to raise the matter again.

BUSH FIRES

Mr. LANGLEY: Has the Minister of Lands a reply to my recent question about making available to members stickers to put on their cars to warn people of the bush fire danger this year?

The Hon. D. N. BROOKMAN: The Minister of Agriculture states:

I thank the member for Unley for his suggestion, which I think is a good one. I have arranged for a supply of bush fire stickers to be available to both Houses for use by honourable members who wish to display them on their vehicles. The stickers will also be made available to all departments of the Public Service.

I have one such sticker with me now.

SOCIAL WELFARE DEPARTMENT

Mr. HUDSON: During my short period as Minister of Social Welfare, I was extremely concerned about the standard of the accommodation provided for officers of that department. As the present Minister knows, I immediately took up the matter with the Public Buildings Department to find out what it intended to do about accommodation and whether it would renovate the building, because I wanted to ensure that the renovations were of appropriate standard and were carried out as quickly as possible. As the Minister, in replying to a previous question on this matter, indicated that he was taking the necessary steps to see that his staff was adequately cared for in this matter, can he say what progress has been made with renovations to the building, whether work has commenced (and, if it has not, when it will commence), and what is the standard of the work to be carried out; in other words, how much air-conditioning, and lining of floors to eliminate noise, will be provided?

The Hon. ROBIN MILLHOUSE: I remember the honourable member telling the House in one of his ample explanations of a question that, during his short-lived but fruitful period in office, he attended a conference on this matter, but I do not recall giving him an answer quite in the terms that he has now mentioned. As he knows, the matter of accommodation in the Social Welfare Department is largely bound up with the whole future of Foys building.

Mr. Hudson: Haven't you determined that yet?

The Hon. ROBIN MILLHOUSE: No.

Mr. Hudson: What have you been doing?

The SPEAKER: Order!

The Hon. ROBIN MILLHOUSE: This Government, in its eight months in office, has achieved a great deal, as the honourable member knows.

Mr. Corcoran: Particularly in taxation Bills.

The Hon. ROBIN MILLHOUSE: There has not been an idle moment, and we have not neglected to do any of the things that were crying out for attention when we came into

office. There are other things that we still have to do during our term of office, and this is one. I agree with the honourable member (and I think I have told him this before in the House) that the accommodation for the Social Welfare Department staff is anything but satisfactory. It will be rather better than it was during his time in office because, with the moving out of other departments, there is now more space in Foys building. I will ask the Minister of Works what progress he has made with the improvements and renovations promised.

BOOK SALES

Mr. FREEBAIRN: Some weeks ago I asked the Treasurer whether he would take up the matter of the pricing policies of Grolier Enterprises. He said that he would do this, and a few days later an officer of the Prices Branch saw me on this matter. As records show that the Treasurer has not yet brought a reply to the House, will he take up the matter again for me and bring down a reply?

The Hon. G. G. PEARSON: I apologize to the honourable member if the matter has disappeared beyond the horizon, as apparently it has. I will take up the matter again with the appropriate officer and try to get some information for the honourable member.

HIGHBURY SEWERAGE

Mrs. BYRNE: In asking my question, I ask permission to quote from some correspondence from a constituent.

The SPEAKER: As long as it is not too long.

Mrs. BYRNE: A letter that I received states:

During August a sewerage run was laid to service most of the houses on the southern side of Valley View Drive, Highbury, and preparatory work was carried out with a bulldozer alongside No. 71, Valley View Drive, and right along the hillside. However, the pipes were terminated at the south-western corner of the next house west of No. 71, leaving approximately 230ft. of pipes to lay to connect No. 71 and Nos. 60 and 62 across the street. Because the preparatory surveying and levelling had been carried out for the remaining distance of about 230ft., it was assumed that at this stage the run would be soon completed, but within a few weeks the bulldozer was returned to replace the dirt previously shifted in preparation for the final 230ft. Thus, an inquiry was made by a neighbour only to find out that the run would be completed if he and another neighbour would guarantee to pay a \$12 a year surcharge for many years. No. 71 could also be included by undertaking a similar guarantee.

Will the Minister of Works inquire into the matter of the sewerage being extended to the houses referred to? As I understand that blocks nearby could also be served from the same main, will the Minister make inquiries about these people being charged the same amount as other people, namely, with no surcharge added?

The Hon. J. W. H. COUMBE: Let me say how grateful I am to the honourable member for her full explanation and the details she has given. Although I am not acquainted with these streets, I will nevertheless go into some detail and get a reply as quickly as possible.

COMPANIES ACT AMENDMENT BILL

The Hon. ROBIN MILLHOUSE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Companies Act, 1962-1966. Read a first time.

The Hon. ROBIN MILLHOUSE: I move:

That this Bill be now read a second time.

It amends the Companies Act, 1962-1966, to provide for a situation which is peculiar to South Australia. Part X of the Companies Act, 1934, originally made provision for companies constituted and regulated by deeds of settlement, such deeds of settlement being the constitution of those companies which correspond with the memorandum and articles of modern companies. In particular, that part empowered companies so constituted and regulated to substitute a memorandum and articles of association for the deed of settlement.

When the Companies Act, 1934, was repealed by the Companies Act, 1962-1966, no provision was made for the alteration or substitution of deeds of settlement, and the existence of a few (at least three) companies was overlooked. No companies had been constituted pursuant to deeds of settlement in other States, so the same problem does not apply to them. These companies, therefore, have no power to substitute a memorandum and articles of association for the deed of settlement, nor have they statutory power to alter their constitutions. The Bill will enable a company, incorporated by a deed of settlement, to bring itself into line with other limited liability companies in South Australia by substituting a memorandum and articles of association for, or altering, its deed of settlement.

Mr. HUDSON secured the adjournment of the debate.

NURSES REGISTRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 4. Page 1078.)

Mrs. BYRNE (Barossa): This amendment, recommended by the Nurses Board, provides for the training of dental nurses to commence at 16 years of age and for them to qualify as nurses at 17 years of age if successful in passing the 12 months' course. It is desirable that an interested, potential, dental-nurse trainee be able to commence her training at 16 years of age so that if she is unsuccessful in the course or if she decides that the occupation is not to her taste, she can then seek employment in another field before her age is such that it debars her from doing so. The Opposition supports this amendment.

Mr. FREEBAIRN (Light): I am pleased that the Opposition has given its blessing to this Bill. An important point not referred to by the member for Barossa is that lowering the age at which girls can apply to do this course to 16 years means that a girl can take this course immediately on leaving school. If this did not apply the average school-leaving student, who was interested in becoming a dental nurse, would have to spend one year working at some other employment before she would be old enough to enrol for this course. An approach was made to me by parents of a student, who was about to leave school, pointing out that if this change were not made effective immediately their daughter would have to take some other work in the interim. I suggested to the Premier that there was some urgency for this Bill to be passed, and I thank him for ensuring that it was proceeded with immediately so that it would become law before the end of this school year.

Bill read a second time and taken through its remaining stages.

TATIARA DRAINAGE TRUST ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

INDUSTRIAL CODE AMENDMENT BILL

Returned from the Legislative Council without amendment.

POLICE PENSIONS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ABORIGINAL LANDS TRUST ACT
AMENDMENT BILL

Read a third time and passed.

EVIDENCE ACT AMENDMENT BILL

Read a third time and passed.

PASTORAL ACT AMENDMENT BILL

Read a third time and passed.

EXPLOSIVES ACT AMENDMENT BILL

Second reading.

The Hon. D. N. BROOKMAN (Minister of Lands): I move:

That this Bill be now read a second time.

It makes a number of miscellaneous amendments to the Explosives Act, 1936-1966. Perhaps the most significant amendment made by the Bill is the removal of the inflexible provisions of the Act dealing with the position in which a magazine licensed under the Act is to be situated. The present position is that a magazine cannot be licensed unless it is situated more than 200yds. from any building or public street or road. This provision is struck out with the intention that the tables of safety distances used by the British Home Office, which provide realistic and adequate safety distances, should be brought into effect. At the same time the provisions relating to the licensing of magazines are amended to ensure that adequate power will exist to enable the chief inspector of explosives to cancel a licence where any breach of the Act or the conditions of the licence occurs. The Bill also contains provisions removing certain administrative difficulties that have been experienced by the Marine and Harbors Department in relation to ships carrying cargoes of explosives. The provisions of the Bill are as follows:

Clause 1 is merely formal. Clause 2 inserts definitions of "licensed magazine" and "licensed premises" in section 4 of the principal Act. Clause 3 amends section 21 of the principal Act. The kinds of place that may be licensed as magazines are expanded under subsection (1). The provision that the magazine must be more than 200yds. from any building or public road or street is struck out and, in its place, a more flexible provision is inserted enabling the chief inspector to impose conditions appropriate for each magazine. Clause 4 brings section 22 of the principal Act into consistency with section 21. Clause 5 amends section 31 of the principal Act. This section deals with ships carrying cargoes of explosives. Subsection (2), which provides

that explosives shall be discharged into magazines before the ship enters a prohibited area, is made more practicable by providing that the master shall discharge the explosives and cause them to be conveyed into licensed magazines.

Clause 6 amends section 32 of the principal Act. This section requires the keeper of a Government magazine to give receipts for explosives lodged in the magazine under section 31. The provisions of this section are expanded to cover licensed magazines as well as Government magazines. Clause 7 amends section 33 of the principal Act. This section requires the master of the ship to report the intention to land explosives. The amendment provides for the master to give prescribed notice prior to landing explosives. Clause 8 amends section 40 of the principal Act. This amendment enables the Minister to delegate his authority under section 31 to permit a ship carrying explosives to be brought within a prohibited area. Clause 9 amends the regulation-making powers in the principal Act. The Governor is empowered to prescribe the notice to be given by the master of a ship prior to landing explosives. Clause 10 makes decimal currency amendments to the principal Act.

Mr. RYAN secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL
(No. 4)

Adjourned debate on second reading.

(Continued from November 28. Page 2877.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): I support the second reading. The Bill makes a number of desirable amendments to the Licensing Act, but it also does some things which I think are, on the face of them, ill advised, and I wish to discuss these in some detail. The first five clauses of the Bill I find unexceptionable. Concerning clause 6, I do not see the necessity for a general licence for the Wine and Brandy Producers Association at the Royal Show. So long as that association is able to sell liquor at the show, either in wine tasting or in the course of serving with meals, I think it is sufficient, and as far as I am aware of its submissions, this is as much as it wants. To go further than this and to provide a general licence for sale, seems to me to be unnecessary and, if there were to be a general licence for sale, I think it should be restricted to the produce of the members of the association and not to other things which do not seem to me to be

part of the whole set up of the show. I do not see that wholesale merchants who are members of the association, for instance, should be selling at wholesale prices at the show, or in quantities at the show, produce that is not South Australian produce.

Although I think clause 7 contains a sensible amendment in intention, there are two things about this provision that I think need to be cleared up. First, as it was the intention that people did not have to be cleared off the premises until 10.30 (until half an hour after closing time), it seems to me unwise to limit the time of carrying liquor off the premises to 15 minutes after closing time, but that, rather, one ought to make it 30 minutes after closing time. What is more, I am informed that the police are taking the attitude that, although there is protection to the hotelkeeper if people are on his premises up to 30 minutes after closing time, the police consider that there is no protection to the person concerned and that he is unlawfully on the premises if he is there up to 30 minutes beyond closing time. I am informed also that prosecutions have been started in relation to this matter. It appears we may have to spell it out in the Act and, therefore, I think an amendment to the section would be desirable to make it clear that, while they may not be served after the 10 p.m. period and for the 15 minutes allowed for consumption, it is not an offence for customers to be on licensed premises until 10.30 p.m. Then, of course, if you are able to carry liquor off the premises during that period, it would seem to me there would be no anomalies, whereas it seems there are anomalies at the moment.

Clause 8 appears to arise from a decision by the Full Court in the Pasta D'Oro case. Pasta D'Oro, who are manufacturers of pasta and are wholesale grocers, also have a lease from, I think, Stonyfell Wines (South Australia) Proprietary Limited of a storekeeper's Australian Wine licence at Burnside, from which they tend to supply their customers. They produce wines and they supply wines to the trade, particularly to Italian grocers who have storekeeper's Australian wine licences. It so happens that the Italians, who form a very large community in South Australia now (it is the second largest migrant community in South Australia—about 50,000 strong), buy their groceries and wines in quantity. It is their custom in their own country to buy their wines in quantities of two gallons or

more, so they have sought to buy from grocers in these quantities.

Pasta D'Oro sought not only to supply to Italian grocers wines purchased or produced at wholesale, but also to supply this retail trade. It was partly because of its representations, as well as the representations of the Wine and Brandy Producers Association, that I moved the amendments relating to the nature of wholesale licences I moved during the Licensing Act debate last year: that is, to cope with these two situations, to maintain the right of the Wine and Brandy Producers Association to sell to the public in quantity (and this was shown to be a real and existent trade, not harming anyone). I considered that, where an existing practice was shown to work, it was advisable not to disturb the *status quo*. At the same time there was a clear demand for the sale of wines in quantities of two gallons or more to the public, particularly to some migrant communities. Therefore, where people were supplying the trade and the public in this way that was reasonable enough, and a proliferation of the licences would be stopped by the requirement that they be sales of two gallons or more, so that we would not get a back-door proliferation of licences through this system.

The fear expressed was that, by being difficult through the objections that could be made to the obtaining of retail licences of the new kind, there would be a tendency to seek wholesale licences where the same objections did not apply as stringently, and that this would be a means of a proliferation of licences. I think it would be possible to move an amendment here that does both the things that were sought to be done in the original Act and, at the same time, to safeguard the hotels association and existing licensees from the proliferation of outlets. This could be done by requiring, in the case of a wholesale licence predominantly, that the sales must be to the trade, and that 75 per cent of the sales, apart from Australian wines, must be to the trade. If that were so, it would cope with the objections that have been raised to the existing form of licence and, at the same time, not interfere with the trade proposed in the Pasta D'Oro application, and certainly not take away from them the rights they sought to establish at great expense to themselves in taking their case successfully before the Full Court. I hope we can achieve an amendment of that kind. I do not have one drafted at the moment, but I hope to have one by Tuesday next.

I turn now to clause 9, which relates to the retail storekeeper's licence. I am most unhappy about this proposal. The intention at the time of the passing of the Licensing Act was that existing licensees should be allowed to elect to go either to retail or to wholesale licences. Provided that they could show their premises were satisfactory and that they could meet the requirements of the court, the existing licensees, either wholesale licensees, bulk licensees or storekeeper's Australian wine licensees, could convert directly to a retail outlet. In order to stop further proliferation of this kind of outlet, two things were done: first, a moratorium was put on further applications in this area for a period of two years; and secondly, the conditions of obtaining a new licence were made stringent, and the number of objections that could be made to a new licence were made very strong. This was to ensure that there would not be a proliferation of what were simply bottle outlets where existing provisions existed for outlets to the public through the hotel trade. The amendment as it stands (and I had a little difficulty in understanding it at first because what precisely the court will define as trading rights is not clear to me) does not seem to me to be a term of art: I do not quite know what it means, but if it means that the existing right to trade with the public, as limited by the licence, shall be what is provided by the court, the proposal is wholly wrong, because it is this: it is not that the storekeeper's Australian wine licence shall be able to be converted to a retail licence of the new kind; it is not that that is the possibility and that in future they are guaranteed, as a minimum, the maintenance of the rights under a storekeeper's Australian wine licence, for the section reads:

The trading rights enjoyed under the retail storekeeper's licence will be substantially the same as, but not inferior to, those enjoyed under the storekeeper's Australian wine licence.

The effect of that will be to say that all retail licences in future will remain at the present level of the storekeeper's Australian wine licence. That restricts it to the present form of licence under the old Act.

Mr. Broomhill: The Attorney seems to agree to that.

The Hon. D. A. DUNSTAN: This is fantastic; this is going back on the arrangements made in this House after lengthy debate last year. People who have had these licences on the basis of assurances given at that time have spent tens of thousands of dollars preparing for the conversion of their licences to retail licences under the new Act.

Mr. Lawn: It is a repudiation.

The Hon. D. A. DUNSTAN: Yes, and I am foxed to know why it has been done. As I understand the submissions made by the Australian Hotels Association (which has fought the applications for conversion from storekeepers' Australian wine licences to retail storekeepers' licences) they were that, as to the existing licences, the best thing to do was to ensure to the applicants that they would at least retain as a minimum their rights under the old Act, and that that would be a guarantee to them, because otherwise they might, on these applications, lose completely their present interest, as their premises were not suitable or some objection was held to be valid by the court to the conversion of their licence to a retail storekeeper's licence. That was to be the guarantee of a minimum to them. What this does is to restrict the maximum. With respect, this is an extraordinary provision. It means that we will never have any more retail storekeepers' licences in the form proposed in the Licensing Act last year, and we will not be able to get a single-bottle outlet selling the whole range of liquor.

This was not the intention of the House at the time. It was clearly the recommendation of the Royal Commissioner that we should have a certain number of retail outlets selling the whole range of liquor and that we should not be restricted to the storekeeper's Australian wine licence provision. Under modern selling conditions, this is desirable. I agree that it is not desirable to have the gross proliferation of this licence and that the hotel trade must be protected against that proliferation. In this House, I fought to see that there would not be a proliferation, as did the member for Millicent (Mr. Corcoran), and adequate provisions, on which we agreed with the Australian Hotels Association, were written into the Act to see that there would not be a proliferation. However, to say that there should not be a proliferation is one thing; actually to abolish the new kind of retail storekeeper's licence is something different, and that is what is proposed in this provision at the moment. I am satisfied that this is not what the Australian Hotels Association is asking for, and it has been the main objector to the applications. I am certain this is not what the Retail Storekeepers' Association wants, for I have had the most bitter representations about this from it.

Mr. Broomhill: It's bad drafting.

The Hon. D. A. DUNSTAN: I know that the Attorney-General has made certain references to my drafting in the past, but I will not impute motives or inadequacies at this time: I will simply say that I do not like this provision as it stands and that it should be altered. Regarding the amendments to the vigneron's licences, I am not impressed by what the Attorney-General has said about the necessity of having "brandy" in this licence; I do not see the necessity for it. As I have had no representations from vigneron's in respect to this matter, I certainly want a lot of convincing before I will believe it is necessary to put the word "brandy" in. Perhaps the Attorney-General can tell me something more about it, but at the moment I do not see the necessity for it. I think that clause 12 is a reasonable provision. I agree that the new restaurant licence has imposed hardships on people who have obtained it, and that it is reasonable enough to provide some modification of the licence where the court is satisfied that conditions justify this.

The Hon. Robin Millhouse: It does breach a principle, though.

The Hon. D. A. DUNSTAN: Yes, but at the same time one of the principles we sought to establish in the Licensing Act was that we should be reasonably flexible in order to allow conditions to prescribe the service to the public, and I think that that is something it is vital for us to do. I know of cases where there are restaurant permits operating where it would be impossible for the permittee to convert his premises to the requirements of the Licensing Court for a restaurant licence, and most difficult for him to obtain other premises in the area in which he has his trade, yet where at present he is providing a service to the public which it obviously requires. I think it is reasonable enough to prescribe that that should be done. In fact, regarding hotels, I am somewhat distressed that the Licensing Court has not been more flexible about the granting of variable hours of trade to hotels. When I introduced the Bill last year, my intention was to see to it that, where hotels could show that there was no real local objection to their closing and where they did not have a profitable trade by keeping open, they ought not to have to keep open except to serve *bona fide* travellers. For hotelkeepers to be made to keep open to the extent that the hotels are open at unprofitable hours, seems to me to be unreasonable. It was certainly not my intention that that should take place and I really think that the Licensing Court has been

too inflexible in this respect. I hope we might be able to do something about that in due course, as we deal with this Bill.

I think that clauses 13, 14, 15 and 16 are reasonable. In the case of transmission of licences, I believe clause 17 provides a sensible amendment. I know that the Australian Hotels Association has suggested drafting amendments and I think we might well look at these in Committee. I do not know whether the Attorney-General has seen them, but I think these proposals are sensible. I agree that something should be done about reception house permits (which are dealt with in clause 23), but I do not know that the provision ought to go as widely as is proposed. If the reception houses are to provide this service, I consider that, if we are not to have a proliferation of some sort of new back-door kind of licence, the liquor that is supplied in reception houses should be supplied in the same way as liquor is supplied by permitted clubs: that is, of purchase from a hotel nearby. If we are not doing this, we are providing trading rights far beyond the work of reception houses and giving them, in effect, a new kind of licence.

I think the provisions of clause 32 are reasonable. It may be that we will have some minor amendments here. The Hotels Association has suggested some amendments, and I do not think it would be bad to make it a little easier to have a little live entertainment on these days, as long as we do not get into the business of providing theatrical entertainment or going into an area that would be covered by the permits.

Regarding clause 34, I question the purpose of including limited publicans' licences in the amendment. These are conditional licences, mainly for the purpose of coping with motels. When someone books into a motel, he is covered by the hours of trading in the dining room if he dines there, and I do not see the necessity to cope with him as a *bona fide* traveller.

A query has been raised regarding clause 36, which provides that it is no longer an offence for one to wrongfully make out that he is a *bona fide* lodger. It seems to me that that should continue to be an offence. Apart from those comments, I support the amendments, which I consider useful. They arise from the shaking down period of the new Act. It may well be that, as a result of discussions that I have between now and next Tuesday, I will want to make provision for one or two matters not at present dealt

with. I assure the Attorney that I do not intend to go into this matter widely, but I think that some matters not dealt with in the Bill should be dealt with. I refer particularly to the need for more flexible hours for hotels. I will see to it that my amendments are prepared by Tuesday so that the Bill can be debated further then.

Mr. McANANEY (Stirling): I support the Bill, which is purely a Committee measure. The matters that have been raised by the Leader of the Opposition can be dealt with at that stage. I do not agree that we should not now, in changing circumstances, amend provisions that were included in the original Bill last year. Although the many provisions of the original Bill were considered fully and the Act has worked fairly effectively since then, it has become obvious that certain extensions and adjustments can be made. We must examine the Bill in detail to understand its effect on the community and to find out whether we can improve the measure.

I am pleased that the Workers Educational Association at Goolwa, in my district, has been granted a licence. A most important feature of these residential colleges is that they have lectures in the afternoon and then do valuable work in discussions afterwards while enjoying a glass of beer or a glass of wine. It is good to see such extensions provided for in the Bill. I am sure that a restaurant at Windy Point, from which the view is tremendous, would become a popular place at which to dine out in the evening. I hope that such a restaurant will be established there. I commend the Attorney-General for bringing these matters before Parliament for debate.

Mr. CORCORAN secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 4. Page 3029.)

The Hon. R. R. LOVEDAY (Whyalla): This Bill has been introduced to deal with many matters that were highlighted when the Court of Disputed Returns earlier this year dealt with matters arising from the Millicent election. Doubtless, many of these amendments are badly needed and I am pleased in particular that two of them get to the heart of dealing with the sort of situation that occurred at Millicent. This is largely a Committee Bill, because there are many amend-

ments, some of which are of greater importance than others. I shall refer to those matters that require greater discussion and are of the greatest importance. I shall also refer to some matters that I think should be taken into consideration as a result of experience I gained from sitting on the Court of Disputed Returns.

The Bill will permit postal voting by means of a mark made by the voter and will permit assistance in marking to be given by another person. I consider this most undesirable. There is ample evidence in the Act that the possibilities of fraud in postal voting are well recognized, special provisions and penalties being included to prevent such conduct. In my opinion, it is most undesirable to make anything easier in regard to postal voting, and a proposal of this kind, which could conceivably give rise to much fraud, is particularly undesirable. It is also intended to appoint, as a referee, a legally qualified referee of substantial experience in place of the Returning Officer for the State. I can see no reason for this. It can be regarded as an expression of no confidence in the Returning Officer. I believe there would be no occasion on which the Returning Officer for the State should be replaced by a referee where there is a dispute, I think that the Returning Officer for the State has had more experience in dealing with these problems than has any other person in the State, irrespective of whether that person may have legal experience or not. I point out, too, that the questions on which legal experience may be required will no longer be evident if this Bill is passed in its present form, especially concerning the time by which postal votes may be received and the witnessing of signatures.

No doubt these two important provisions will be supported by every member, and if those two provisions are included I see no reason why problems that will arise in regard to a dispute over votes will need to be decided by a person who is legally qualified. The proposition in this Bill precludes the need for special legal advice. Most legal complications arose in the recent case because extrinsic evidence was admitted, and the question about the date on which votes were posted had to be considered. This situation is unlikely to occur again if this Bill is passed. It is usual, when appointing a referee, to appoint someone with knowledge and a person with long and frequent experience of the particular matter. Who better to appoint than the Returning Officer for the State? He is always handling

questions associated with electoral procedure, and he should not be displaced as the referee.

Mr. Clark: He has specialized knowledge.

The Hon. R. R. LOVEDAY: Of course he has, by virtue of his position. The proposal to allow members of Parliament who live outside their districts to vote as if they were voters enrolled in their district is undesirable, and I see no reason for this privilege. If a member decides to live outside his district, that is his business, and he should act the same as an elector has to act and vote in the district in which he lives. Apparently, someone considers that there is a special advantage in this provision but is not prepared to concede the same advantage to the candidate who may be opposing him. Both should receive this privilege, but I see no virtue in this provision. It will be regarded outside Parliament as an advantage or a perquisite that politicians are trying to get for themselves.

Under the Bill any person over the age of 18, or apparently over the age of 18 years, is to be allowed to act as an authorized witness of signatures. This is a good measure when dealing with applications for postal votes, but I see no reason why a candidate for election should not be an authorized witness of applications for postal votes. This seems to make a ridiculous distinction. Many people are concerned with the question of witnessing applications for postal votes (for example, Party organizers) and if there is a valid reason to exclude a candidate there is also a valid reason to exclude not only Party organizers but also others who may have a particular interest in the election and who go around witnessing signatures of applicants for postal votes. Why should a candidate be discriminated against in this way, as if he were not to be trusted?

Mr. Lawn: He receives many inquiries from electors.

The Hon. R. R. LOVEDAY: Of course, because he is the logical person to receive the inquiry about this matter, and for the convenience of electors he should be allowed to act as an authorized witness in these circumstances. The Bill's most important provisions are, first, those relating to the fact that postal votes actually in the hands of electoral officials at the close of the poll will be counted at the scrutiny, and, secondly, the provision that will permit any person over 18 or apparently over the age of 18 years to be allowed to witness the signatures of people who apply for postal votes. These matters were at the root of all problems associ-

ated with the recent Court of Disputed Returns and these amendments will eliminate those problems.

I refer to my experience as a member of that court, particularly since we have another provision in the Bill that seeks to prevent members of Parliament from acting as members of a Court of Disputed Returns. In his second reading explanation the Attorney-General said:

The following reasons seem to justify the reconstitution of the court along what are now more traditional lines: The matters before it, particularly in the case of the recent election petition, are essentially matters of law and matters which are more and more reflected in the system of case law that is being built up, and such matters desirably should be dealt with by a judge.

I entirely agree with that statement, because from my experience as a member of the recent court the difficult questions put before it were determined on case law. Generally, members of Parliament are neither conversant with case law nor do they have ready access to it. Two members of the recent court were members of the legal profession who happened to be members of Parliament but, obviously, a member of Parliament who is not a member of the legal profession cannot be acquainted with case law and cannot view the problems from the same point of view as can a member of the legal profession. In his second reading explanation the Attorney-General said:

In the system of courts of Parliament the status of the court of this Parliament must suffer because of its majority of non-judicial members.

He continued:

While it is not suggested that the non-judicial members of the court took a narrow Party view, it was, I understand, widely said before and during the hearing, "The two Government members will be on one side, the two Opposition members on the other and the judge will decide. What's the good of having the politicians on it?"

Undoubtedly, this was the outside view, but I believe that the members of Parliament who were on the Court of Disputed Returns conscientiously carried out their work to the best of their ability, and the fact that they made their decisions as they did does not necessarily mean that they just looked at the matter from a Party point of view. I point out that the Parties in conflict in this matter had two eminent counsel, one operating on each side, who were able to produce convincing arguments for their points of view. That, in itself, shows that there are good grounds for a

difference of opinion among the members of Parliament who happened to be members of that court, whether or not they had legal training and experience. I think it is well known that members of the legal fraternity often differ on the interpretation of the law itself and frequently do not agree on what seems to the outsider to be an easily decided case.

Mr. Hurst: That happens every day.

The Hon. R. R. LOVEDAY: Yes. I do not think the member for Glenelg wished to impute any failure on the part of the members of Parliament in doing their work as members of the Court of Disputed Returns, but I think people might draw an inference, from what he had to say, that those members were not able to produce any original thoughts of their own on questions and that they relied entirely on the judge who was President of the court. In fact, that was not so. Members will recollect that there was much argument concerning whether the court should accept extrinsic evidence in its considerations. I was entirely opposed to accepting extrinsic evidence for very good reasons. Without reference to any other member of that court, I carefully studied this matter and produced a document giving my reasons for excluding extrinsic evidence. Those reasons were based on a most thorough examination of the Electoral Act, the regulations and all the other matters that were brought before the court in this regard. After giving the matter the most objective study, I came down with the firm conclusion that extrinsic evidence could not be admitted. Prior to a 1941 amendment of section 86 of the Electoral Act, the returning officer was concerned only with postal votes received by him up to the close of the poll. There was no possibility of extrinsic evidence being admitted in a case such as the one we are discussing. With the amendment, it became possible for postal votes to be received later but, although their acceptance depended on the postal franking mark which might or might not be legible or accurate, no provision was made in the Act for extrinsic evidence to be admitted on these questions, although the situation must have been evident to the Legislature.

If it was intended that extrinsic evidence should be received and considered, the amendment would certainly have provided for the way in which it could be done and for the type of evidence that would be admissible, etc. It is inconceivable that if the Legislature had considered extrinsic evidence admissible it would have left it to chance or confined it to that which was likely to be produced by

interested parties' importuning electors to give statutory declarations in the hope of upsetting an election result. It is so obvious that extrinsic evidence by way of statutory declarations is not capable of being properly tested that this is good and sufficient reason for the Legislature to have made no provision for its admission. If such evidence is admitted or decided on by a court of this character, then every election in the future with a close result will see Parties importuning electors vigorously in an attempt to uphold or upset the result, producing evidence that cannot be tested. The sort of evidence to which we had to listen as a result of the majority decision of the court was impossible to test. This can result in neither justice nor truth and, in fact, is most likely to result in fraud. The extrinsic evidence in this instance was not available in the preliminary scrutiny when certain postal ballot envelope declarations were rejected, and what was done at the preliminary scrutiny was irreversible. That was made perfectly clear from an examination of the Electoral Act.

Mr. Hurst: Generally, at law, isn't it the practice that judges deal—

The SPEAKER: Order! The honourable member for Whyalla.

The Hon. R. R. LOVEDAY: Much of the argument concerning the question of admitting extrinsic evidence revolved around the definition of section 181 of the Electoral Act. The Attorney-General does not seek to alter the Act to deal with one or two matters that arose out of this situation. The court noted that, strangely, there was no definition whatsoever in the Act concerning what constituted a vote. Section 181 provides:

The court shall inquire whether or not the petition is duly signed, but the court shall not inquire into the correctness of any electoral roll, or into the qualification of any nominator, or into the sufficiency of any nomination, or into the qualifications of persons whose votes have been either admitted or rejected, but so far as rolls and voting are concerned, only into the identity of the persons, and whether their votes were improperly admitted or rejected, assuming the rolls to be correct.

I draw attention to the fact that this provision refers only to votes and not to postal vote certificates. This, in my opinion, was a most important point in the consideration of whether extrinsic evidence should or should not have been admitted. However, the court, as a result of having examined matters of case law, decided by a majority that the extrinsic evidence should be admitted. To show members some of my impressions regarding what

took place when the witnesses were in this Chamber and when the court was proceeding, I will read some of my notes that I took when listening to the evidence. These notes arose from my impressions of the evidence which those witnesses gave. In referring to a particular witness, my note reads as follows:

This is another case of a superb memory concerning the actual posting of the vote, but when the witness was cross-examined on matters that occurred a week or two later than the posting, when those matters would have become of much greater importance (because of the importuning for statutory declarations), the memory ceased to be good on questions vitally affecting the truth of the earlier answers concerning the posting. Yet, at the first stage when voting took place there was nothing to suggest that the votes would be queried and nothing to cause the witness to attach importance to the actions taken at that time. The election took place on March 2, yet after a period of two or three months, at the time the court sat, witnesses professed to be able to recall in minute detail what they had done in posting their ballot-papers and, in some cases, precisely what they had said to someone on that occasion.

The Hon. Robin Millhouse: What do you think happens in an ordinary court?

The Hon. R. R. LOVEDAY: I am not dealing with what happens in an ordinary court but with the facts of the case as I saw them and my impressions as a member of the court—and I think they are of some value in this matter.

The Hon. Robin Millhouse: There's no difference between what happened here and what happens in an ordinary court. Sometimes the events are even more remote.

The Hon. R. R. LOVEDAY: Whether or not there is any difference, that has no effect on whether or not the evidence was reliable. It may be that much of the evidence given in our courts is unreliable and cannot be tested. How many members could recall in detail what they said on an occasion two or three months ago, when there was no reason for thinking their actions would be subject to later inquiry or cross-examination? For that matter, how many members could describe with certainty and in detail what they did two weeks ago in similar circumstances? I doubt whether any of them could. Yet, the fate of a member of Parliament and, possibly, the fate of a Government depended on this kind of evidence. That is one of the basic reasons, in my opinion, why extrinsic evidence should never have been admitted, and should never be admitted in cases of this kind. One witness went so far as to say that his ballot-papers were posted at one post office in preference to a pillar box,

because the witness believed the letters were stamped every 15 minutes at the post office. This revealed the remarkable prophetic qualities of the witness and the remarkable anticipation of a close election, with subsequent queries on postal votes. In fact, one could not help thinking that the witness must have had psychic qualities.

Recounts in the future, assuming the Bill is passed in its present form, will be determined on the question of the validity of votes and not on the question of statutory declarations or affidavits sought by people, importuned by people, who are certainly indulging in much political intrigue, as was evident from the evidence received and from the declarations made. Plenty of evidence came out that did not measure up with what someone else had said regarding a particular matter. There were contradictions and improbabilities of such an order that they should never have been accepted.

Mr. Lawn: Weren't some affidavits prepared?

The Hon. R. R. LOVEDAY: Yes, definitely.

Mr. Hurst: They even sent blank ones.

The SPEAKER: Order!

The Hon. R. R. LOVEDAY: I see no reason for displacing the Returning Officer for the State where there may be recounts demanded and where disputes may arise simply on the question whether or not a vote is acceptable in accordance with the Act. I will raise one or two other matters which the Attorney-General has not dealt with but which should be attended to while the Act is being amended. Regarding the position that Mr. Corcoran was placed in as a result of the petition by Mr. Cameron, when the objection was lodged he was in a situation where he could hardly have petitioned against the result of the election. That would have been inconceivable; yet he was in the position where the court might have given a favourable judgment for the petitioner and he would have had no appeal against that. Even though there were irregularities that might have caused him to think in that event, assuming the court gave the petitioner a favourable judgment, that the election should be declared null and void, when my colleague entered his protest at this and asked that these other matters be considered there was strong objection on the petitioner's behalf to that being done, and the court had to decide whether or not the points advanced on behalf of Mr. Corcoran should be considered.

Nothing is laid down in the Act about how this situation should be dealt with, and I think this point should be clarified: it should be clearly set down what can be done in this kind of situation. As was pointed out when this matter had to be considered, it would be possible for a petitioner to petition at the eleventh hour (to give no opportunity to the other person involved in the election to try to upset the petitioner's case, to appeal against the judgment of the court, or in any way to rectify what he might consider to be a wrong done to him). In other words, the present Act would allow anyone in a very close election to present a petition at the eleventh hour, thus giving the other candidate no opportunity or recourse to action. This could be done almost frivolously, in the hope that the court would sit on the matter with the petitioner taking a chance on what sort of decision it might give.

Surely this matter should be rectified. Surely there should be provision, as there was in this case, for the candidate declared elected, the other person in the case, to have his case put before the court if there is a Court of Disputed Returns on the question. At present, there is nothing in the Act to show what procedure should be followed, and counsel for the petitioner in this case made every effort to prevent the respondent's case being heard by the court. Further to that omission in the Act, there is nothing in it that lays down what the procedure of the court shall be in these circumstances, and the court had to spend much time deciding what its procedure should be. Surely this should be set out and clarified in the Act.

I am disappointed, too, that the Attorney-General has not, in his proposals, dealt with ambiguities existing in various sections of the Act that deal with what the court shall and shall not do. It was argued that one section permitted the court to deal with anything relating to the questions before it, yet section 181 clearly points out that the court is prevented from doing certain things. Here was the conflict and the ambiguity. I suggest that this should be tidied up while we are dealing with this matter and while it is fresh in our minds. In fact, as I said earlier, expert

legal opinion was given on both sides of the questions I have raised this afternoon, and convincing arguments were produced by leading counsel on both sides showing there were strong and sound grounds for advancing arguments either way. Surely the Act should be tidied up to ensure that these questions will not be raised again at any subsequent Court of Disputed Returns. Surely this is the time to do that. I have no objection to a judge's being the sole person on future Courts of Disputed Returns. I believe that, if these matters are to be decided largely on questions of case law (and I think this is inevitable), no objection can be taken to the proposed procedure being followed.

Mr. Corcoran: I think it's fair to say that members of Parliament on the previous court did their job well.

The Hon. R. R. LOVEDAY: I agree that they conscientiously did a good and objective job. I am not making any distinction: I think that, according to their lights and views, those members did a conscientious job. The point that wants to be hammered again is that the legal luminaries themselves advanced different points of view, which showed that there could be an honest difference of opinion on these contentious matters. The fact that this is so is clear evidence that the Act should be tidied up. This applies particularly now, when these matters are being fully considered by us. With the effluxion of time, the importance of these matters tends to fade from our memories, so I hope that, in Committee, the Attorney-General will move amendments to deal with the issues I have raised. I regard them as most important since, when the Court of Disputed Returns sat earlier this year, it was presented with many problems which could have been and would have been avoided had the Act not been so ambiguous and had the procedure for the court been clearly set down. I support the second reading, hoping that the Attorney-General will note what I have had to say on these matters.

Mr. LAWN secured the adjournment of the debate.

ADJOURNMENT

At 5 p.m. the House adjourned until Tuesday, December 10, at 2 p.m.